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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,094	12/14/2001	Tomio Shibuya	J12023	6507

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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,094

Applicant(s)

SHIBUYA ET AL.

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claim 1 is objected to because of the following informalities: In line 15, insert -- an -- before “engagement”. In line 25, change “mate” to -- mat --. Line 20, the phrase “whereby the mat fastener to the mat with sandwiching the mat between the flanges;” should be changed to read -- whereby the mat fastener sandwiches the mat between the flanges; --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations “the outer periphery” in lines 6 and 11, “the side surfaces” in lines 8, 14 and 18 and “the state” in line 26. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitation “the direction” in lines 7 and 11. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3677

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,664,574 to Kasai. Kasai discloses an eyelet assembly for connection to fabrics (12) of various thickness comprising a male grommet (1) made of a resin material, a female grommet (6) made of a resin material, the female grommet having an outer tube portion having opposite open ends and adapted to be inserted into a hole formed in the fabric. The female grommet having a flange formed at an outer periphery of one of the ends of the outer tube portion and having adapted to be in contact with a first side surface of the fabric. The male grommet having an inner tube portion having opposite open ends and adapted to be inserted into the outer tube portion of the female grommet and a flange formed at the outer periphery of one of the ends of the inner tube portion. The flange of the male grommet is adapted to be in contact with a second side surface of the fabric. Each of the outer and inner tube portions is provided with an engagement means (4a, 8) for coupling the female and male grommets to each other so that, upon engagement thereof, one of the flanges of the grommets is adapted to be brought into contact with one of the first and second side surfaces of the fabric around the fabric hole and the other flange of the grommets is brought into contact with the other of the first and second side surfaces of the fabric, whereby the eyelet assembly sandwiches the fabric between the flanges.

Art Unit: 3677

The flange of the male grommet has an outer diameter smaller than a diameter of the flange of the female grommet (as seen in Fig. 6) and each of the flanges has an outer peripheral portion formed in a curved shape to be directed toward the fabric to allow each of the flanges to bite into the fabric in a state when the male and female grommets are coupled to each other by the engagement means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasai in view of USPN 6,238,765 to Bailey. Kasai discloses that the eyelet assembly is adapted to pinch or sandwich fabrics of variable thickness with the male grommet disposed on a upper side and the female grommet disposed on a lower side, but Kasai does not specifically disclose that the fabric mentioned is a floor mat including an upper carpet layer and a lower rubber base layer. Bailey et al teaches a vehicle floor mat (30). The floor mat includes a planar member (40) having a top surface (42) of a carpet material (45) bonded onto it. A plurality of spaced-apart engaging members (46) is formed on a bottom side (43) of the planar member and the engaging members are formed from an elastomer or rubber-like material such as a thermoplastic elastomer. It

Art Unit: 3677

would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the eyelet assembly of Kasai to include the floor mat as taught by Bailey et al to provide an eyelet assembly that effectively secures a floor mat to a floor board of a vehicle.

Referring to claims 4 and 5, Kasai further discloses that that the flange of the female grommet includes a plurality of spaced protrusions (10) extending for engagement with a surface of the fabric, while the male grommet include pins or detents (5) that bite into the surface of the fabric to prevent relative rotation. See column 2, lines 64-66 and column 3, lines 64 and 65.

Claim 6, the male grommet is made of a soft plastic and the female grommet of a hard plastic and are deformable. See column 2, lines 55-56, column 3, lines 19-20 and 59-68.

Art Unit: 3677

Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application instead the references gave background information on grommet fasteners.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

Andre L. Jackson
Patent Examiner
AU 3677

ALJ
November 2, 2002


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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